

1 UNITED STATES DISTRICT COURT
2 DISTRICT OF NEVADA

3 DAVID COLE,

4 Plaintiff

Case No. 3:20-cv-00160-MMD-WGC

ORDER

5 v.

6 BRYANT, *et al.*,

7 Defendants
8

9 **I. DISCUSSION**

10 Plaintiff, who is an inmate in the custody of the Nevada Department of Corrections
11 (“NDOC”), has submitted a civil rights complaint under 42 U.S.C. § 1983. (ECF No. 1-1).
12 Plaintiff has also filed a properly executed financial certificate and an inmate account
13 statement for the past six months. (ECF No. 1-2) However, Plaintiff has neither paid the
14 full filing fee for this matter nor filed an application to proceed *in forma pauperis* on this
15 Court’s approved form.

16 Under 28 U.S.C. § 1915(a)(2) and Local Rule LSR 1-2, Plaintiff must complete an
17 application to proceed *in forma pauperis* on this Court’s approved form and attach both
18 an inmate account statement for the past six months and a properly executed financial
19 certificate. As previously stated, the Plaintiff has not submitted an application to proceed
20 *in forma pauperis* on this Court’s approved form. The Court will retain Plaintiff’s civil rights
21 complaint (ECF No. 1-1) but will not file it until the matter of the payment of the filing fee
22 is resolved. Plaintiff will be granted an opportunity to file an application to proceed *in*
23 *forma pauperis*, or in the alternative, pay the full filing fee for this action. If Plaintiff
24 chooses to file an application to proceed *in forma pauperis*, he must file a fully complete
25 application to proceed *in forma pauperis* on this Court’s approved form and include both
26 an inmate account statement for the past six months and a properly executed financial
27 certificate.

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For the foregoing reasons, IT IS ORDERED that the Clerk of the Court WILL SEND Plaintiff the approved form application to proceed *in forma pauperis* by a prisoner, as well as the document entitled information and instructions for filing an *in forma pauperis* application.

IT IS FURTHER ORDERED that if Plaintiff does not timely comply with this order, dismissal of this action may result.

DATED: March 17, 2020

Walter G. Cobb